

## Chapter 15A-03 OFFICERS, BOARDS AND COMMISSIONS

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# Chapter 15A-03 - OFFICERS, BOARDS AND COMMISSIONS

## 15A-03-01 Purpose

This Chapter sets forth the purpose, duties, organization, and powers of City boards, commissions, and other bodies charged in making decisions and recommendations under this Code.

## 15A-03-02 Community Development Director

The Community Development Director, hereinafter referred to as the "Director", in addition to duties described in Title 6, Sandy Administrative Code, and elsewhere in this Title, is charged with the responsibility of interpretation and enforcement of this Code. Interpretation of this Code includes, but is not limited to, clarification of intention, determination of zoning classifications of land uses not specified in this Code, the delegation of processing procedures and requirements, and enforcement of Code provisions. The specific duties of the Director shall include the following:

- A. **Reviews and Decisions.** The Director shall be authorized to undertake reviews, recommendations and decisions as described in this Code. The Director shall be governed by the standards and procedures as set forth in this Code for the specific review, determination, or appeal which has been delegated to him.
- B. **General Plan.** The Director shall assist the Planning Commission and City Council in the development and implementation of the General Plan for the physical and economic growth of Sandy City and shall prepare population and growth studies in support of the General Plan.
- C. **Administrative Staff Assistance and Technical Advice.** The Director shall provide staff, including secretarial assistance, to the Planning Commission and Board of Adjustment. Staff assistance shall include attendance at regularly scheduled meetings and the preparation and publication of agendas. The Director shall act as technical advisor to the Mayor, City Council, other City departments upon request, and other committees and commissions as the Mayor may designate.
- D. **Code Compliance Officer.** The Director is hereby designated and authorized as the officer charged with the enforcement of this Code. He shall enforce all the provisions of this Code, including court action when necessary, and his failure to do so shall not legalize any violation of such provisions.
- E. **Delegate Responsibility.** The Director may appoint authorized representatives to execute the responsibilities as described herein.

## 15A-03-03 Land Use Authorities

### A. Planning Commission

- 1. **Purpose.** The Planning Commission shall make recommendations to the Mayor and the City Council as more specifically set forth herein and make determinations as specifically delegated to it as set forth in

this Code. This does not include policy making powers of the City that remain under the control of elected officials.

## 2. **Creation and Membership.**

- a. **Membership and Alternates.** There is hereby created a Planning Commission for Sandy City, Utah, to be known as the Sandy City Planning Commission. Said Commission shall consist of seven members and two alternates to be appointed by the Mayor, with the advice and consent of the City Council. The alternates shall attend all meetings but shall not vote on Commission decisions unless serving in the place of a regular member. When an alternate is needed to fill the place of a regular member, the two alternate members shall rotate the responsibility. Additionally, one member of the City Council shall be appointed semi-annually by the Council to serve as the City Council's liaison to the Planning Commission. Such Council member shall have the right to attend all meetings of the Commission and take part in all discussions, but shall not vote on Commission decisions. Funding for the Commission shall be established annually by the City Council and may include a stipend for members and alternates for each official meeting attended.
- b. **Terms for Members.** The terms of office for the members of the Planning Commission shall be four years commencing at noon on March thirty-first of the year in which the appointment is made. The terms of office for the Commission members shall be staggered at intervals so as to provide continuity. Vacancies for the term of any member whose term is not complete shall be filled for the unexpired portion of the term in the manner provided for in this Section. A member whose term has expired shall continue to serve until his successor has been appointed and approved. Members of the Planning Commission may be removed as established by the City's administrative and legislative codes.
- c. **Selection of Members.** Members of the Planning Commission shall be selected from residents of the City with experience in related fields including planning, architecture, real estate, law, engineering, land development, contracting, or substantial community involvement. Any member or alternate member of the Planning Commission relocating their primary residence outside the limits of the City shall resign their appointment within 30 days prior to their relocation, if possible.

3. **Procedures.** The Planning Commission shall select a chairperson every six months from its membership and may adopt bylaws, policies, and procedures for the conduct of its meetings for the processing of applications, and any other purposes considered necessary for the functioning of the Commission. Four members of the Commission shall constitute a quorum for the conduct of Commission business, and no act of the Commission shall be effective unless at least four members concur in respect to it.

## 4. **Powers and Duties.**

- a. **Recommendations to the City Council.** The Planning Commission shall prepare and make a recommendation to the City Council for:
  - (1) A general plan and amendments to the general plan.
  - (2) Land use ordinances, zoning maps, official maps and amendments.

- (3) Subdivision regulations and amendments.
  - (4) An appropriate delegation of power to at least one designated land use authority to hear and act on a land use application.
  - (5) An appropriate delegation of power to at least one appeal authority to hear and act on an appeal from a decision of the land use authority.
  - (6) Application processes that may include a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested; and processes that protect the right of each applicant and third party to require formal consideration of any application by a land use authority; the right of each applicant, adversely affected party, or municipal officer or employee to appeal a land use authority's decision to a separate appeal authority; and the right of each participant to be heard in each public hearing on a contested application.
  - (7) Annexation and zoning of property into the City.
  - (8) Vacation of an entire subdivision plat.
  - (9) Other matters as established by the City Council.
- b. **Recommendation to Mayor.** The Planning Commission shall consider and provide a recommendation to the Mayor for:
- (1) Vacating, closing, or altering any portion of a street or alley within a subdivision.
  - (2) Subdivision plats.
  - (3) Other matters as established by the City Council.
- c. **Reviews and Decisions.** The Planning Commission shall review and decide the following:
- (1) Conditional Use Permits.
  - (2) Expansion or alteration of a nonconforming structure or use after determination by the Director.
  - (3) Site plans delegated to it in this Code or by the Director.
  - (4) Special exceptions delegated to it in this Code or by the Director.
  - (5) Reasonable accommodation.
  - (6) Other matters as established by the City Council.
- d. **Special Exceptions.** The Planning Commission may review and decide special exceptions to the terms of the Sandy City Development Code, provided that such special exceptions on which the

Planning Commission shall be authorized to pass shall be limited to the following:

- (1) Authorize the alteration, movement or enlargement of or addition to a building or structure or sign occupied by a nonconforming use, provided it can be shown by the applicant that:
  - (a) The building, structure or sign is legally nonconforming; and
  - (b) The alteration, movement, enlargement or addition is in keeping with the intent of this Code; and
  - (c) That the proposed alteration, movement, enlargement or addition will not impose undue burden upon the lands located in the vicinity of the nonconforming use or structure.
  - (d) That the proposed deviation from code requirements is the minimum needed to achieve a reasonable use of the property, which use is to be justified by written findings of the Planning Commission.
  - (e) That all requirements governing nonconforming signs will be adhered to.
- (2) Permit the building on a nonconforming lot, where it can be shown by the applicant that:
  - (a) The lot is legally nonconforming.
  - (b) The construction of a building upon the nonconforming lot will be in harmony with one or more of the purposes of this Title as stated in Section 15A-01-03 hereof and shall be in keeping with the intent of this ordinance.
  - (c) The proposed building will not impose undue burden upon the lands located in the vicinity of the nonconforming lot.
- (3) Where a parcel of land was at least 1-1/2 times as wide and 1-1/2 times as large in area as required for a lot in the district at the time this Code was adopted, permit the division of the parcel into two lots. The person requesting the special exception must show that the land in question qualifies for this exception.
- (4) Where a zone boundary line divides a lot which was in single ownership at the time of passage of this Code, the Planning Commission may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.
- (5) Permit the installation of an electrical transmission line above ground provided the Planning Commission finds that exposure to electrical magnetic fields and other risks and adverse impact to land value and aesthetics will be reasonably mitigated by prudent avoidances measures.
  - (a) The term "prudent avoidance" shall refer to those practices and standards which serve to minimize degradation of community aesthetics and real property values, and avoid exposure to electrical and magnetic fields and other public risks. Such practices and standards include, but are not limited to purchasing additional right-of-way, altering line configuration, selection of alternative routes, utilizing or enlarging capacity in existing substations or transmission

facilities, undergrounding, shielding, public education, research and testing, and discouraging siting near sensitive areas and structures such as residences, hospitals, churches, libraries, parks, child-care centers, and schools.

- (b) The person or entity proposing to install transmission lines shall bear the burden of showing reasonable mitigation by prudent avoidance.
- (6) Permit a structure which is attached to the dwelling structure ("attached structure") to extend into the required side yard setback provided the owner/applicant complies with the following:
  - (a) Establishes that the attached structure existed at the time of the adoption of this section (05/21/96);
  - (b) The attached structure complies with all other requirements of this Development Code, the International Building Code (IBC), the International Fire Code (IFC), and other applicable city, state or federal laws;
  - (c) The attached structure conforms and is aesthetically compatible with the design, color and materials of the dwelling structure to which it is attached;
  - (d) The current owner/applicant purchases a building permit which will provide that all appropriate inspections will be made; and
  - (e) The current owner/applicant complies with all requirements, established pursuant to the inspections or by law, necessary to comply with the IBC, IFC and other city, state or federal laws.
  - (f) Extension of an attached structure into the side yard setback will be allowed on one side of the dwelling only. In order to obtain approval for an attached structure to extend into one side yard setback, all structures encroaching into the other side setback must be removed and the setback maintained free of obstructions (exclusive of fencing) for fire access into the rear of the dwelling.
  - (g) After issuance of a permit for an attached structure hereunder, the dwelling structure may not be altered, enlarged, added to or moved unless and until the attached structure is removed and all structures on the property thereafter comply with the side yard setback regulations.
  - (h) After issuance of a permit hereunder, the attached structure shall not be altered, enlarged, added to, moved or its use changed. If such enlargement, alteration, addition, movement or change of use occurs, the attached structure must be restored to the configuration and use upon which the permit was issued or it must be removed entirely.
  - (i) A photograph of the dwelling structure and its attached structure shall be submitted with the application for a special exception.
  - (j) After approval of a special exception and issuance of a building permit and after inspections are made and all requirements complied with, the City will issue a Notice of Compliance which will set forth the conditions under which the approval and permit were issued. The

Notice of Compliance must be filed with the County Recorder and proof of that filing must be submitted to the Department.

- (7) Before taking action on any special exception request, the Planning Commission shall review it at a public meeting. In the event that the Planning Commission decides to authorize a building permit, it shall have the power to specify the exact location, ground area, height, and other details and conditions of extent and character and also the duration of the building, structure, or part thereof to be permitted.

e. **Other Powers.** The Planning Commission may exercise any other powers:

- a. Necessary to enable it to perform the functions delegated to it in this Code; or
- b. Other matters as established by the City Council.

B. **Administrative Officer.** The Director is hereby designated to review and decide the following:

1. Special exceptions as specifically set forth in this Code including those in the land use matrices.
2. Applications for site plan review and approval as delegated in this Code.
3. Determination of the nonconforming status of a building, structure, or use.
4. Routine and uncontested matters as delegated in this Code.
5. Other matters as established by the City Council.
6. Property line adjustments.

## 15A-03-04 Appeal Authorities

### A. Board of Adjustment

1. **Purpose.** In order to provide for just and fair treatment in the administration of local land use ordinances and to ensure that substantial justice is done, a Board of Adjustment has been created to exercise the powers and duties provided hereafter.
2. **Creation and Membership.** The Board of Adjustment shall consist of five regular members and two alternate members.
  - a. The Mayor shall appoint the members and alternate members with the advice and consent of the City Council for a term of five years.
  - b. The Mayor shall appoint regular members of the Board of Adjustment to terms so that the term of one member expires each year. The Mayor shall appoint alternate members in such a manner that at least a two and one-half year gap will exist between term expirations.



- c. One member of the Planning Commission shall be appointed semi-annually by the Commission to serve as the Commission's liaison to the Board of Adjustment. Such Planning Commission member shall have the right to attend all meetings of the Board of Adjustment, take part in all discussions but shall not vote on the Board of Adjustment decisions.
- d. One member of the City Council shall be appointed semi-annually by the Planning Commission to serve as the Council's liaison to the Board of Adjustment. Such Council member shall have the right to attend all meetings of the Board of Adjustment, take part in all discussions but shall not vote on the Board of Adjustment decisions.
- e. All members and alternate members of the Board of Adjustment shall be residents of the City. Any member or alternate member of the Board of Adjustment relocating their primary residence outside the limits of the City shall resign their appointment within 30 days prior to their relocation, if possible.
- f. Alternate members are to serve in the absence of members of the Board of Adjustment upon request of the chairman. Alternate members are to attend all meetings of the Board of Adjustment. The chairman shall establish a service rotation system which provides that alternate members serve on the Board approximately the same amount.
- g. Members of the Board of Adjustment may be removed as established by the City's Administrative and Legislative Codes.
- h. Vacancy on the Board of Adjustment:
  - (1) The Mayor, with the advise and consent of the City Council, shall fill any vacancy.
  - (2) The person appointed shall serve for the unexpired term of the member or alternate member whose seat was vacated.

### 3. Procedures.

- a. Organize and elect a chairman.
- b. Adopt rules that comply with all applicable State statutes and City ordinances.
- c. Meet at the call of the chair and at any other times that the Board of Adjustment determines.
- d. Have the chair, or in the absence of the chair, the acting chair may administer oaths and compel the attendance of witnesses.
- e. Conduct its meetings in compliance with the requirements of State statutes and City ordinances concerning the keeping of minutes, recording of votes, and absences.
- f. Hear a request for a variance or appeal. Three members constitute a quorum of the Board of Adjustment and a concurring vote is necessary to grant a variance or to overturn a decision on an appeal.

- g. Make decisions on scheduled agenda items. Decisions of the Board of Adjustment become effective at the meeting in which the decision is made unless a different time is designated in the Board's rules or at the time the decision is made.
- 4. **Powers and Duties.** The Board of Adjustment shall hear and decide:
  - a. Requests for variances from the terms of the land use ordinance as specifically delegated to it by this Code or referred to it by the Director.
  - b. Appeals from decisions applying the land use ordinance except those appeals specifically delegated in this Code to be heard by an alternate appeal authority.
  - c. Other matters as established by the City Council.
- B. **City Council.** All appeals from decisions regarding Conditional Use Permits shall be heard by the City Council.
- C. **Administrative Officer.** The Director is designated as an appeal authority for the purpose of reviewing and deciding:
  - 1. Requests for minor variances.
  - 2. Other matters as established by the City Council.